

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON DALE COLE &
CRYSTAL FAYE CHESSER,

Defendant.

Case No. CR 24-080 RAW

**GOVERNMENT'S NOTICE OF INTENT TO ADMIT EVIDENCE UNDER
FEDERAL RULE OF EVIDENCE 404(b)**

Plaintiff, United States of America, by and through United States Attorney Christopher J. Wilson and Assistant United States Attorney Michael E. Robinson, gives notice to Defendant Cole of its intent to offer evidence of other crimes, wrongs, and acts during the jury trial of this case pursuant to Federal Rule of Evidence 404(b), specifically:

1. Three videos from Defendant Cole's surveillance camera showing Defendant Cole possessing firearms in August 2023 and October 2023;
2. Defendant Cole's prior felony conviction for Possession of Firearm after Former Felony Conviction (CF 2014-621);
3. Testimony that law enforcement seized over 240 lbs. of ammunition during the search of Defendant Cole's premises on November 18, 2023;
4. Testimony that Defendant Cole received two videos of a man shooting a pistol that had been converted into a machine gun on October 19 and October 24, 2023.

Background

1. On May 15, 2024, the Grand Jury returned a ten-count Indictment against Defendant Cole charging him with Possession with Intent to Distribute Methamphetamine (Counts 1 and 5), Possession of a Machine Gun (Count 2), Felon in Possession of a Firearm (Counts 3 and 8), Use and Carry of a Firearm During and in Relation to a Drug Trafficking Crime (Counts 4 and 9), Possession with Intent to Distribute Marijuana (Count 6), Possession of an Unregistered Firearm (Count 8), and Maintaining a Drug Involved Premises (Count 10). Defendant Chesser is charged as a co-defendant in Count 10. The charges stem from a search of Defendants' premises on November 18, 2023, after Defendant Cole eluded a highway patrol officer and was caught with methamphetamine and a machine gun in his truck.

2. During the search of Defendants' premises on November 18, 2023, law enforcement seized a surveillance camera on the front porch of the premises and secured a search warrant. A review of the media on the surveillance camera shows Defendant Cole possessing rifles on his premises on multiple occasions prior to November 18, 2023. The first video, from October 18, 2023, shows Defendant Cole holding a rifle and aiming it at the trees behind his residence. The second video, from October 29, 2023, shows Defendant Cole handing an unidentified man a rifle on his front porch. The third video, from October 30, 2023, shows Defendant Cole walking on his premises with a rifle in front of his vehicle. The United States offers these videos to show Defendant Cole's knowledge of the firearms that were seized on his premises on November 18, 2023, as well as his intent to possess them. Similarly, the United States intends to offer evidence of Defendant Cole's prior conviction for Possession of Firearm after Former Felony Conviction (CF 2014-621) to show his knowledge that he was prohibited from possessing firearms on

November 18, 2023, as well as his absence of mistake and lack of accident with regard to his possession of firearms on November 18, 2023.

3. During the search of Defendants' premises on November 18, 2023, law enforcement seized over 240 lbs. of various calibers of ammunition from the main residence and the outbuilding. The United States believes this evidence is *res gestae*, as it is inextricably intertwined with the charged conduct and part and parcel of Defendant Cole unlawfully possessing multiple firearms but gives notice under Rule 404(b) out of an abundance of caution. Should the Court determine this evidence falls under Rule 404(b), the United States offers this evidence to prove Defendant Cole's intent to possess firearms on November 18, 2023, as well as his knowledge of their presence on his premises.

4. Law enforcement seized Defendant Cole's cell phone on November 18, 2023, and obtained a search warrant for the cell phone's contents. The cell phone extraction revealed that Defendant Cole received two text messages that contained videos of a man shooting a pistol that had been modified to function as a machine gun through the addition of a conversion device, or "Glock switch." The United States does not intend to offer this evidence in its case-in-chief but provides notice under Rule 404(b) should Defendant Cole testify at trial that he did not know the Glock 23Gen4, .40 caliber pistol that was found in his truck had been modified to function as a machine gun.

Respectfully submitted,

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s/ Michael E. Robinson
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CERTIFICATE OF SERVICE

I hereby certify that on November 4, 2024, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Joseph Barrett, Counsel for Defendant Cole
Dan Medlock, Counsel for Defendant Chesser

s/ Michael E. Robinson
MICHAEL E. ROBINSON
Assistant United States Attorney